

# COMMITTEE REPORT

## MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred House Bill No. 1204, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 public safety.
- 4 Page 2, line 5, delete "An individual" and insert "**Two (2)**
- 5 **individuals**".
- 6 Page 2, line 7, delete "An individual" and insert "**Two (2)**
- 7 **individuals**".
- 8 Page 2, line 9, delete "who is a member of the Hoosier State Press"
- 9 and insert "**representing an Indiana newspaper that maintains a**
- 10 **twenty-four (24) hour web site,**".
- 11 Page 2, line 10, delete "Association,".
- 12 Page 2, between lines 10 and 11, begin a new line block indented
- 13 and insert:
- 14 "**(8) An individual representing a video service provider that**
- 15 **provides video service to Indiana consumers, appointed by the**
- 16 **governor.**".
- 17 Page 2, line 13, delete "the later of the following:" and insert "**one**
- 18 **(1) of the following dates, whichever applies, during the year in**
- 19 **which the member is appointed:**".
- 20 Page 2, line 14, delete "1 after the member is appointed." and insert

1       **"1, if the member is appointed on or before July 1."**

2       Page 2, line 16, delete "appointment." and insert "**appointment, if**  
3       **the member is appointed after July 1."**

4       Page 2, between lines 29 and 30, begin a new line block indented  
5       and insert:

6               **"(4) Make applications for private, local, state, or federal**  
7               **grants to be used to enhance or improve the emergency alert**  
8               **system."**

9       Page 3, delete lines 11 through 16, begin a new paragraph and  
10       insert:

11       "SECTION 2. IC 36-8-16-14, AS AMENDED BY P.L.104-2006,  
12       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13       JULY 1, 2008]: Sec. 14. (a) The emergency telephone system fees shall  
14       be used only to pay for:

15               (1) the lease, purchase, or maintenance of enhanced emergency  
16               telephone equipment, including necessary computer hardware,  
17               software, and data base provisioning;

18               (2) the rates associated with the service suppliers' enhanced  
19               emergency telephone system network services;

20               (3) the personnel expenses of the emergency telephone system;

21               (4) the lease, purchase, construction, or maintenance of voice and  
22               data communications equipment, communications infrastructure,  
23               or other information technology necessary to provide emergency  
24               response services under authority of the unit imposing the fee;  
25               and

26               (5) an emergency telephone notification system under IC 36-8-21.

27       The legislative body of the unit may appropriate money in the fund  
28       only for such an expenditure.

29       (b) This subsection applies to a county that:

30               (1) imposes a fee under section 5 of this chapter; and

31               (2) contains a municipality that operates a PSAP (as defined in  
32               IC 36-8-16.5-13).

33       Not later than January 31 of each year, the county fiscal body shall  
34       submit to each municipality described in subdivision (2) a report of all  
35       expenditures described in subsection (a) paid during the immediately  
36       preceding calendar year.

37       **(c) The state board of accounts shall audit the expenditures of**  
38       **emergency telephone system fees made during each of the**

1 following calendar years by each unit that imposed a fee under  
 2 section 5 of this chapter during the following calendar years:

3 (1) The calendar year ending December 31, 2005.

4 (2) The calendar year ending December 31, 2006.

5 (3) The calendar year ending December 31, 2007.

6 Not later than November 1, 2008, the state board of accounts shall  
 7 report to the regulatory flexibility committee established by  
 8 IC 8-1-2.6-4 on the audits conducted under this subsection.

9 (d) The state board of accounts annually shall audit the  
 10 expenditures of emergency telephone system fees made during the  
 11 immediately preceding calendar year by each unit that imposes a  
 12 fee under section 5 of this chapter. The state board of accounts  
 13 shall conduct the first audits required by this subsection with  
 14 respect to expenditures of emergency telephone system fees made  
 15 during the calendar year ending December 31, 2008.

16 (e) In conducting the audits required under subsections (c) and  
 17 (d), the state board of accounts shall determine whether the  
 18 expenditures made by each unit are in compliance with:

19 (1) subsection (a); and

20 (2) section 15 of this chapter, as appropriate.

21 SECTION 3. IC 36-8-16.5-51 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE UPON PASSAGE]: Sec. 51. (a) For purposes of this  
 24 section, a PSAP includes a public safety communications system  
 25 operated and maintained under IC 36-8-15.

26 (b) As used in this section, "PSAP operator" means:

27 (1) a political subdivision; or

28 (2) an agency;

29 that operates a PSAP. The term does not include a state  
 30 educational institution that operates a PSAP.

31 (c) Except as provided in subsection (d), after December 31,  
 32 2011, a county may contain only one (1) PSAP, plus any back up  
 33 system needed to assist the PSAP during:

34 (1) an emergency; or

35 (2) any other time;

36 in which the PSAP is unable to assume its normal operations.

37 (d) A county may contain one (1) or more PSAPs in addition to  
 38 the PSAP authorized under subsection (c), as long as any additional

1 PSAPs are operated by a state educational institution.

2 (e) Before January 1, 2012, each PSAP operator in a county that  
3 contains more than one (1) PSAP shall enter into an interlocal  
4 agreement under IC 36-1-7 with every other PSAP operator in the  
5 county to ensure that the county does not contain more than one (1)  
6 PSAP after December 31, 2011.

7 (f) An interlocal agreement required under subsection (e) may  
8 include as parties, in addition to the PSAP operators required to  
9 enter into the interlocal agreement under subsection (e), any of the  
10 following that seek to be served by a county's PSAP after  
11 December 31, 2011:

12 (1) Other counties contiguous to the county.

13 (2) Other political subdivisions in a county contiguous to the  
14 county.

15 (3) Other PSAP operators in a county contiguous to the  
16 county.

17 (g) An interlocal agreement required under subsection (e) must  
18 provide for the following:

19 (1) A plan for the:

20 (A) consolidation;

21 (B) reorganization; or

22 (C) elimination;

23 of one (1) or more of the county's PSAPs, as necessary to  
24 ensure that the county does not contain more than one (1)  
25 PSAP after December 31, 2011.

26 (2) A plan for funding and staffing the PSAP that will serve:

27 (A) the county; and

28 (B) any areas contiguous to the county, if additional parties  
29 described in subsection (f) participate in the interlocal  
30 agreement;

31 after December 31, 2011.

32 (3) Subject to any applicable state or federal requirements,  
33 protocol to be followed by the county's PSAP in:

34 (A) receiving incoming 911 calls; and

35 (B) dispatching appropriate public safety agencies to  
36 respond to the calls;

37 after December 31, 2011.

38 (4) Any other matters that the participating PSAP operators

or parties described in subsection (f), if any, determine are necessary to ensure that the county does not contain more than one (1) PSAP after December 31, 2011.

(h) This section may not be construed to require a county to contain a PSAP.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(b) As used in this SECTION, "PSAP" has the meaning set forth in IC 36-8-16.5-13.

(c) The committee shall study the appropriate mechanisms for funding both wireline and wireless enhanced emergency telephone systems in Indiana.

(d) In conducting the study required by this SECTION, the committee shall consider the following:

(1) The appropriateness of replacing:

(A) the wireline enhanced emergency telephone system fee that may be imposed under IC 36-8-16; and

(B) the wireless emergency enhanced 911 fee imposed under IC 36-8-16.5;

with a single fee that would apply to all voice communications service, regardless of the technology or protocol used to provide the service.

(2) The appropriate means for collecting and distributing any fees determined to be appropriate under subdivision (1).

(3) The appropriate uses by:

(A) PSAPs;

(B) counties;

(C) municipalities; or

(D) other political subdivisions or agencies;

of any fees determined to be appropriate under subdivision (1).

(4) The appropriate agency, board, commission, or other body to administer the collection, distribution, and investment of any fees determined to be appropriate under subdivision (1).

(5) The audits conducted by the state board of accounts under IC 36-8-16-14(c), as added by this act.

(6) Any other issues the committee determines to be

1           **appropriate in considering the mechanisms for funding**  
 2           **wireline and wireless enhanced emergency telephone systems**  
 3           **in Indiana.**

4           **(e) The committee shall prepare a report on the committee's**  
 5           **recommendations, if any, concerning the issues described in**  
 6           **subsection (d) and shall submit the report to the legislative council**  
 7           **in an electronic format under IC 5-14-6 not later than December**  
 8           **1, 2008.**

9           **(f) This SECTION expires January 1, 2009.**

10          **SECTION 5. An emergency is declared for this act."**

11          Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as reprinted January 30, 2008.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 11, Nays 0.

---

**Meeks**

**Chairperson**